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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,800	02/08/2001	Yoshihisa Nakaya	3064NG/49619	3989

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EXAMINER
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VENT, JAMIE J

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/778,800

Applicant(s)

NAKAYA, YOSHIHISA

Examiner

Jamie Vent

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02/28/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed May 17, 2001 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement 1449 has not been received although letter stating that the information disclosure statement has been filed. Appropriate actions is requested.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-7 are rejected under 35 U.S.C. 102(e) as being unpatentable by Crane et al (US 6,201,924).

**[claim 1]**

In regard to Claim 1, Crane et al discloses a video tape recorder in which an analog audio-video signal supplied an input terminal is separated into video signal and an audio signal an audio-video audio signal separating section, are recorded on a video the video signal and the track and an audio track of a video tape, respectively, and the video signal and the audio signal which are recorded on the video tape are reproduced to be output (Figure 2), said video tape recorder comprising:

- an analog/digital converting section which analog/digital-converts the analog audio-video signal and supplies resulting signal said audio-video separating section (Figure 2 A/D converter 68 converts the analog A/V data as further described in Column 5 Lines 34-44);
- an editing section which edits the video signal and the audio signal that are separated from each other by said audio-video separating section (Figure 3 shows the editing section which edits the audio and video signal as further described in Column 6 Lines 1-5 and 43-67);
- a discontinuous medium on and from which the video signal and the audio signal that are edited by said editing section is to be recorded and reproduced (Figure 3 shows a discontinuous medium (optical disk 46) wherein video and audio signals are stored during editing processes as further seen in Figure 2 mediums 46 and 48); and
- a continuous medium on from which the video signal are reproduced from said discontinuous medium are continuously recorded and reproduced

(Figure 2 shows a continuous medium (VTR 24) in which the A/V signal is reproduced from the discontinuous mediums 46 and 48).

**[claim 2]**

In regard to Claim 2, Crane et al, discloses a video tape recorder wherein, in response to a selection operation on an operating section, said editing section changes a sequence of the video signal and the audio signal, which are to be recorded on said discontinuous medium (Column 7 Lines 15-53 describes the system responding to user selection of editing and thereby recording the editing processes onto the discontinuous medium (optical disks)).

**[claim 4]**

In regard to Claim 4, Crane et al, discloses a video tape recorder wherein in response selection operation on an operating section, said editing section reproduces the video signal and the audio signal which have been already recorded on said discontinuous medium, during a recording process performed said discontinuous medium (Column 7 Lines 15-67 describes that after user selection of an editing command the A/V signal is recorded into the library of the discontinuous medium).

**[claim 5]**

In regard to Claim 5, Crane et al, discloses a video tape recorder wherein said discontinuous medium configured by a disk-like recording medium such as a hard disk or a magneto-optical recording disk (Figure 2 shows the discontinuous mediums to be a hard disk 46 and a magneto-optical disk 48).

**[claim 6]**

In regard to Claim 6, Crane et al, discloses a video tape recorder wherein said continuous medium is configured by a digital record type video tape (Figure 2 VTR 24 and described in Column 4 Lines 60-67).

**[claim 7]**

In regard to Claim 7, Crane et al, discloses a video tape recorder wherein said video tape recorded further comprises a digital/analog converting section which digital/analog-converts a reproduced signal of the video signal and the audio signal that are recorded discontinuous medium, and said continuous medium configured by an analog record type video tape on which the video signal and the audio signal are digital/analog-converted by said digital/analog converting section are be recorded (Figure 2 shows a D/A converter 50 which converts the digital reproduced signal from the discontinuous mediums (46 and 48) into an analog signal for the reproduction onto the continuous medium (24)).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crane et al (US 6,201,924) in view of Fujita et al (US 6,600,874).

**[claim 3]**

In regard to Claim 3, Crane et al, discloses a video tape recorder selection operation wherein, in response to a operating section, said editing section cuts out a portion of the A/V data which is recorded on the discontinuous medium (Column 7 Lines 26-53); however, fails to disclose that the portion of A/V being cut is related to a commercial. Fujita et al discloses a video recording system wherein commercials are detected and thereby marked out of the recording stream as seen Figure 4 and discussed in Column 7 Lines 20-59. The editing out of the commercials from the recorded broadcast stream allows for the user to record the broadcast program without unwanted segments, such as commercials. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the video tape recorder, as disclosed by Crane et al, and incorporate a recording system that detects and edits commercials segments, as disclosed by Fujita et al, to allow for the user to record only program segments.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Chen (US 6,314,395);
- Langford (US 5,206,929).

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 571-272-7375. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamie Vent  
04/01/05



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